

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

AUG 3 9 57 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WEST VIRGINIA STATE POLICE TITLE NUMBER: 81

CITE AUTHORITY: 15-2-25

AMENDMENT TO AN EXISTING RULE: YES NO

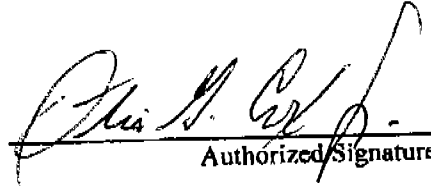
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 12

TITLE OF RULE BEING PROPOSED: Written Directive System

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

\$4.00

West Virginia State Police
Title 81
Series 12

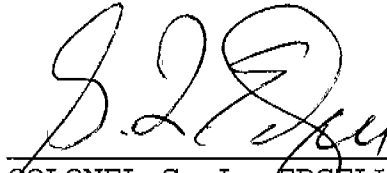
Summary of Proposed Rule

This rule describes the components of the written directive system of the West Virginia State Police.

West Virginia State Police
Title 81
Series 12

Circumstances Requiring Filing of Rule

The written directive system was originally contained in another legislative rule that has subsequently been made obsolete due to changes in W.Va. Code and administrative practices within the West Virginia State Police. This rule was developed to codify the written directive system of the State Police into a separate legislative rule.



COLONEL G. L. EDGELL
SUPERINTENDENT

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 3, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WEST VIRGINIA STATE POLICE

725 JEFFERSON RD.

SO. CHARLESTON, WV 25309

LEGISLATIVE RULE TITLE: WRITTEN DIRECTIVE SYSTEM

1. Authorizing statute(s) citation 15-2-25

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

July 1, 1998

b. What other notice, including advertising, did you give of the hearing?

NONE

c. Date of Public Hearing(s) or Public Comment Period ended:

July 31, 1998

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 3, 1998

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Colonel Gary L. Edgell

725 Jefferson Rd.

So. Charleston, WV 25309

- g. **IF DIFFERENT FROM ITEM 'f',** please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

1/Sergeant C. R. Blankenship

725 Jefferson Rd.

So. Charleston, WV 25309

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

N/A

Attached

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: WRITTEN DIRECTIVE SYSTEM

Type of Rule: Legislative Interpretive Procedural

Agency: WEST VIRGINIA STATE POLICE

Address: 725 JEFFERSON RD.
SO. CHARLESTON, WV 25309

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no cost identified with this rule.

3. Objectives of These Rules:

This rule describes the written directive system of the West Virginia State Police.

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

NONE

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date:

David E. Jones 7/31/96

Signature of Agency Head or Authorized Representative:

David E. Jones

FILED

TITLE 81
LEGISLATIVE RULE
WEST VIRGINIA STATE POLICE

AUG 3 9 57 AM '98

SERIES 12
WRITTEN DIRECTIVE SYSTEM

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§81-12-1. General.

- 1.1. Scope. - This rule governs the written directive system of the West Virginia State Police.
- 1.2. Authority. - W. Va. Code §15-2-25
- 1.3. Filing Date -
- 1.4. Effective Date -

§81-12-2 Definitions

2.1. Superintendent means the Superintendent of the West Virginia State Police or a duly authorized representative.

2.2. Member means an employee of the West Virginia State Police empowered under the provisions of W. Va. Code §15-2-12 with statewide law enforcement powers and who has taken and subscribed to the oath of office as required by W.Va. Code §15-2-14.

§81-12-3 Written Directives of the West Virginia State Police.

3.1. Policies and procedures governing the internal management and operation of the West Virginia State Police shall be contained within the Operational Policy and Procedure Manual.

3.2. Each member of the West Virginia State Police shall be issued a copy of the Operational Policy and Procedure Manual and shall ensure the currency of their individual manuals.

3.3. To ensure the continued efficient operation of the organization, a memorandum or teletype issued by authority of the Superintendent may temporarily amend or rescind any operational policy or procedure until a revised policy is issued. Each member shall receive a copy of the amended policy upon its issuance.

3.4. Special Orders shall be issued by the Superintendent to effect a change in the employment status of a member or civilian

employee, direct the presence of a member or civilian employee at a certain event or location, initiate the internal investigation of a member or civilian employee or facilitate other internal administrative matters where the power to act rests with the Superintendent.

3.5. Troop Special Orders shall be issued at the direction of the Troop Commander for the purposes of temporary, intra-troop transfers; permanent intra-troop transfers and to mandate the attendance of members and civilian employees assigned to that troop at a specific event or location.

3.5.1. In the event that a Troop Special Order should conflict with a Special order issued by the Superintendent, the latter shall take precedence over the former.

3.6. Memoranda and notices shall be issued by the Superintendent.

3.6.1. Memoranda shall temporarily amend or rescind operational policies and procedures until a revision may be issued or disseminate other information to members constituting official direction in the performance of their assigned duties.

3.6.2 Notices shall serve to disseminate information of interest to members and civilian employees that does not directly affect the performance of their assigned duties.